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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,127	02/14/2002	Douglas Lee Goedeken	PIL0140/US	8881

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EXAMINER	
TRAN LIEN, THUY	
ART UNIT	**PAPER NUMBER**
1761	

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/076,127	GOEDEKEN ET AL.	
	Examiner	Art Unit	
	Lien T Tran	1761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 July 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20,22-25 and 27-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20,22-25 and 27-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Applicant's election without traverse of Group I claims 1-20, 22-25, 27-30 in the reply filed on July 26, 2004 is acknowledged.

The 112 second paragraph rejection of claim 19 is maintained. It is unclear what would be considered as " partially unproofed". In the response filed July 26, 2004, applicant states the term " unproofed " is defined on page 6. The examiner does not question what " unproofed" means; the indefinite issue is with the term " partially unproofed"; what would be considered as " partially unproofed".

Claims 1-20, 22-25 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Book et al in view of Chawan, Chawan et al and Laughlin et al.

Book et al disclose a dough composition and the process of making bakery product using the dough composition. The chemically leavened dough can be used to produce product such as buns, roll, bread, Danishes, specialty bread and the like. The chemically leavened dough can be used to produce refrigerated as well as frozen dough product. The dough comprises flour, water and leavening system in amounts sufficient to provide a leavened dough. The leavening system comprises at least on slow release leavening acid and at least one heat activated leavening acid. Optional ingredients such as emulsifiers, fat, shelf life extender etc... can be added. The dough is formed by mixing the ingredients in a mixing bowl to form a dough, molding the dough and proofing the dough. Baked product is made by baking the dough after proofing. Bread made from the dough composition has a specific volume and springiness as shown in tables 3 and 6 and examples 2-3. (see col. 4 lines 21-33 and 46-60, columns 5-6, col.10 and the examples)

For claims 1-6, 11-17, Book et al disclose a dough composition comprising flour, water and leaving system in amounts sufficient to provide a leavened dough composition; however, they do not disclose adding propylene glycol alginate, and a gum in the amounts claimed. For claims 7-8, Book et al do not disclose the springiness value as claimed and that the product is a biscuit. For claims 9-10, Book et al disclose specific volume of 4.8 and 5.5 as shown on column 11; these values fall within the range claimed. For claim 11, Book et al do not disclose a dough product comprising a filling. For claim 13, Book et al do not disclose the dough product is a laminated biscuit. For claim 14, Book et al do not disclose adding emulsifier in the amount claimed. For claims 18 and 20, Book et al disclose the dough composition can be refrigerated or frozen; however, they do not disclose the dough being in unproofed state while frozen . Book et al do not disclose the limitation in claim 19. For claims 22-23 and 27-28, Book et al do disclose providing a dough composition, proofing the dough and baking the proofed dough; however, they do not disclose the portion of .5-8oz as claimed. For claims 24 and 29 Book et al do not disclose thawing the dough portion and the size of the dough portion. For claims 25 and 30, Book et al do not disclose baking the frozen dough without an intermediate thawing or proofing step.

Laughlin et al disclose a dough product wherein they teach adding hydrocolloids such as xanthan gum, guar gum, locust bean gum etc.. to the dough formulation to increase moisture content and to improved viscoelastic properties of the dough and the crumb texture (see col. 7 lines 24-29).

Chawan et al teach to use propylene glycol alginate in food compositions to improve the texture of the foods. The PGA is added to flour dough which are baked or fried. The PGA is used at a level of from about .01 to 2%. The alginate is believed to form a stable complex with starch which inhibits rupture in the dough to reduces starch loss on subsequent cooking. Also, the propylene glycol alginate prevents non-enzymatic retrogradation of the starch under various conditions of storage by inhibiting amylose from being freed or released from the starch granules. (see col. 2 lines 46-67)

Chawan teaches to add propylene glycol alginate in food compositions in at least .01 weight percent to control the glucose release initiated by enzymatic action. The foods include breads, pizza, pizza, cereal, etc... (see col. 2 lines 26-50, col. 4 lines 24-32)

It would have been obvious to one skilled in the art to add propylene glycol alginate to the dough of Book et al for the health reason taught by Chawan or for the texture improvement taught by Chawan et al. The amount taught in the prior art falls within the claimed range. The dough of Book et al is partially developed because the dough has been worked on through the mixing and molding. It would also have been obvious to add a gum to the dough for the reason taught by Laughlin et al. The amount of gum to be used can be determined through experimentation with varying amounts to determine the optimum amounts which give the best properties. As to the springiness value, this value varies with the different type of dough product. It would have been obvious to one skilled in the art to determine the springiness value that is optimum for the particular product being made. It would also have been obvious to make other

dough product such as biscuit and laminated biscuit by adjusting the dough ingredients and processing parameters; this would have been readily apparent to one skilled in the art. It would have been obvious to one skilled in the art to add a filling to the dough composition to make a variety of different dough products. Book et al disclose the dough can be used to make pizza crust, Danishes, doughnuts; such dough products typically have a filling. It would also have been obvious to package the dough in pressurize container for commercial distribution. Such packaging is well known in the art as disclosed by applicant in the specification. As to partially unproofed, it is not know what applicant means by this. The specification does not define partially unproofed and discloses the dough is partially proofed. Thus, the claim is interpreted as the dough being partially proofed. It would have been obvious to one skilled in the art to proof, partially proof or to not proof the dough before packaging depending on the time of preparation wanted in the final product. If the dough is proofed before packaging, it will not require proofing before bake, this will shorten the preparation time; the reverse is true if the dough is not proof. If the dough is partially proofed, the time is a variation in between the two end points. It would have been obvious to do any of the variations depending on the type of product wanted. As to the portion size, it would have been obvious to make any portion size depending on the quantity wanted. As to the thawing step, it would have been obvious to carry out this step if the dough is frozen. It would also have been obvious to omit the thawing and proofing step depending on the volume wanted. The Book et al dough has a heated activated leavening acid which will cause expansion during heating; thus, leavening can take place during baking. The proofing

gives the leavening agent more time to react which cause more expansion; however, if less expansion is wanted, it would have been obvious to omit the proofing. It would have been obvious to omit the thawing step in using frozen dough when one wants to shorten the preparation time.

Applicant's arguments with respect to claims 1-20, 22-25 and 27-30 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lien T Tran whose telephone number is 571-272-1408. The examiner can normally be reached on Tuesday, Wednesday and Friday.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 13, 2004

Lien Tran
LIEN TRAN
PRIMARY EXAMINER
Group 1700